IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 421 OF 2006

Deepak Wamanrao Makode
and another :: PETITIONERS

-: Versus :-

The District Deputy Registrar,
Co-operative Societies & 4 others :: RESPONDENTS

CORAM: A. P. Deshpande, J.
DATED: 07th March, 2006

P.C. :

1. Heard Mr. S. P. Bhandarkar, learned counsel for the petitioners, Mr. D. P. Thakre, learned Assistant Government Pleader for respondents No. 1 & 2 and Mr. S. K. Tambode, learned counsel for respondents No. 3 and 4.

2. Rule. Rule, made returnable forthwith and taken up for final

hearing by the consent of learned counsel for the respective parties.

3. Petitioner No.1 and respondent No.4 had contested election for the post of Chairman of respondent No.3-society. Respondent No. 4 came to be elected. Petitioner No.1 moved an application before the District Deputy Registrar purportedly under section 78 read with section 73FF of the Maharashtra Co-operative Societies Act, 1960 contending therein that respondent No.4 is disqualified as he is defaulter of Chandrapur Vikas Nagari Sahakari Pat Sanstha. The District Deputy Registrar has refused to enquire into the said complaint on the ground that respondent No. 4 has filed dispute under section 91 of the Co-operative Societies Act and it was pending adjudication of the Co-operative Court. As a result of communication on the part of District Deputy Registrar, the petitioner preferred revision under section 154 of the Act before the Divisional Joint Registrar. The Divisional Joint Registrar has directed the District Deputy Registrar to proceed with the enquiry and pass appropriate orders, but the District Deputy Registrar has

failed to proceed with the matter by making an enquiry in regard to disqualification of respondent No.4.

4. No one disputes that the District Deputy Registrar is obliged to make an enquiry and pass appropriate orders in the matter. It is also not in dispute that the term of Chairman is of one year only and hence a prayer for expeditious hearing is made.

5. In the result, respondent No.1 is directed to consider the complaint/representation made by the petitioners touching the alleged disqualification in regard to respondent No.4, under section 73FF of the Co-operative Societies Act and pass appropriate orders, within a period of three months from today.

6. Rule is made absolute in the above terms with no orders as to the costs.

JUDGE